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GOOGLE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 10-03561 WHA

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER RE THE
DEPOSITIONS OF HENRIK STAHL
AND HENRIQUE DE CASTRO**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William H. Alsup

STIPULATION

WHEREAS Federal Rule of Civil Procedure 29 provides that the parties may stipulate to extend discovery;

WHEREAS Federal Rule of Civil Procedure 29(b) provides that Court approval is required to extend discovery, even where the parties have stipulated to the extension;

WHEREAS, fact discovery in this case closes on December 16, 2016 (Dkt. Nos. 1334, 1356);

WHEREAS, Defendant Google Inc. ("Google") desires to take the deposition of Henrik Stahl, Plaintiff Oracle America, Inc.'s ("Oracle") Vice President, Product Management, Internet of Things;

WHEREAS, Henrik Stahl lives in Stockholm, Sweden and is unable to travel to the United States for the remainder of 2015 for personal reasons;

WHEREAS, Oracle and Google (collectively, the "Parties") conferred and agreed, due to the witness' unavailability, that Henrik Stahl would be produced for deposition after the close of fact discovery on January 14, 2016 in New York;

WHEREAS, Oracle desires to take the deposition of Henrique de Castro, Google's former President, Global Media, Mobile & Platforms;

WHEREAS, on November 4, 2015, Oracle informed Google that it wanted to discuss dates for the deposition of Henrique de Castro and asked if Google would accept a deposition notice for Henrique de Castro or if Oracle would need to serve Henrique de Castro with a subpoena;

WHEREAS, on November 11, 2015, Google wrote it would poll Henrique de Castro for his availability and would get back to Oracle on dates as soon as possible;

WHEREAS, on November 24, 2015, Oracle notified Google that it was still awaiting deposition dates for, among others, Henrique de Castro;

WHEREAS, on November 25, 2015, Google said it had been unsuccessful in its efforts to secure a deposition date for Henrique de Castro and advised Oracle to try other alternatives (e.g., a subpoena);

1 WHEREAS, on November 25, 2015, Oracle requested that Google provide Oracle with
2 Henrique de Castro's last known home address;

3 WHEREAS, on November 30, 2015, Google provided such information;

4 WHEREAS, service was unsuccessfully attempted at multiple potential addresses for Mr.
5 de Castro on November 27, 2015, November 30, 2015, December 1, 2015, December 2, 2015,
6 December 3, 2015, December 4, 2015, December 5, 2015, December 8, 2015, December 9, 2015,
7 December 11, 2015, and December 12, 2015, including multi-hour "stakeouts" on December 5, 8,
8 9, and 12, 2015;

9 WHEREAS, Henrique de Castro was served with the subpoena on December 14, 2015;

10 WHEREAS, Mr. de Castro indicated that he was unavailable for deposition on the date
11 noticed, December 16, which is the last day of discovery:

12 WHEREAS, the Parties conferred and agreed that Oracle would have until January 15,
13 2015 to complete Mr. de Castro's deposition;

14 WHEREAS, good cause exists for allowing the depositions of Henrik Stahl and Henrique
15 de Castro after the close of fact discovery;

16 NOW, THEREFORE, the Parties AGREE AND STIPULATE that:

17 (i) Henrik Stahl's deposition will be held in New York on January 14, 2016;

18 and

19 (ii) Oracle may take Henrique de Castro's deposition no later than January 15,
20 2016.

21 Dated: December 16, 2015

BOIES, SCHILLER & FLEXNER LLP

22 /s/ Steven Holtzman

STEVEN HOLTZMAN

23 By: Attorneys for Plaintiff
ORACLE AMERICA, INC.

24
25 Dated: December 16, 2015

Keker & Van Nest LLP

26 By: /s/ Robert A. Van Nest


ROBERT A. VAN NEST

27 Attorneys For Defendant
GOOGLE, INC.

I, Steven Holtzman, the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order Regarding the Depositions of Henrik Stahl and Henrique de Castro, hereby attest that Robert Van Nest has concurred in this filing.

By: /s/ Steven Holtzman
STEVEN HOLTZMAN

The foregoing stipulation is approved, and IT IS SO ORDERED.


Honorable William H. Alsup
Judge of the United States District Court